

CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend Section 677
Title 14, California Code of Regulations
Re: Dog Training and Organizational Field Trial Permits

- I. Date of Initial Statement of Reasons: November 6, 2003
- II. Dates and Locations of Scheduled Hearings:
- (a) Notice Hearing: Date: December 4, 2003
Location: Sacramento
- (b) Discussion Hearing: Date: February 6, 2004
Location: Long Beach
- (c) Adoption Hearing: Date: March 5, 2004
Location: Redding
- III. Description of Regulatory Action:
- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:
- Sections 3509 and 3510 of the Fish and Game Code, which addressed dog training and field trials using released domesticated game birds, were repealed in 2002. Section 3508 was amended to provide that the Fish and Game Commission authorize procedures for training dogs using game birds. These changes to the Fish and Game Code were made because of complaints by dog training and field trial enthusiasts that the existing code sections were difficult to understand, overly complicated, and unnecessarily restrictive. One of the deleted code sections established prices for dog training and organizational field trial permits.
- The Department recommends that the requirement for dog training and organizational field trial permits be deleted. The recommended changes also include a requirement that domestically reared game birds used for dog training be marked prior to release to distinguish them from wild birds (unless this is determined to be unnecessary for a particular area), that the requirement be retained that all carcasses of released pheasants and chukars be marked with a seal, and that the Department be notified at

least three days before birds are released and/or taken during organized field trials. These changes are recommended to provide reasonable and clear recommendations regarding the release and take of birds used for dog training.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 203, 301, 3508 and 3516, Fish and Game Code.

Reference: Sections 86, 203, 3500, 3502, 3508, 3511, 3513-3516 Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change:

None

- (d) Identification of Reports or Documents Supporting Regulation Change:

None were identified.

- (e) Public Discussions of Proposed Regulations Prior to Notice publication:

No public discussions were held. There will be adequate time to review the proposals during the 45-day comment period contained in the Commission's regulatory process.

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

No alternatives were identified.

- (b) No Change Alternative:

If the existing language in Section 677 is not changed, the regulations will remain unnecessarily complex and restrictive.

- (c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and, less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. These regulation changes are sufficiently minor that any economic impact, positive or negative, would not be significant.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

Approximately 1,000 dog training permits and 100 field trial permits are sold each year. Section 3510, of the Fish and Game Code, established fees for these permits, and was deleted in 2002. If the requirement for these permits was retained, income to the Department, through a fee structure based on a rough estimate of staff time needed to print and issue the permits, would be about \$12,000 per year. However, since these costs would no longer occur under the proposal that the permits be deleted, there should be no net loss to the Department.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None

- (f) Programs mandated on Local Agencies or School Districts:

None

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None

- (h) Effect on Housing Costs:

None

Informative Digest/Policy Statement Overview

Sections 3509 and 3510 of the Fish and Game Code, which addressed dog training and field trials using released domesticated game birds, were repealed in 2002. Section 3508 was amended to provide that the Fish and Game Commission authorize procedures for training dogs using game birds. These changes to the Fish and Game Code were made because of complaints by dog training and field trial enthusiasts that the existing code sections were difficult to understand, overly complicated, and unnecessarily restrictive. One of the deleted code sections established prices for dog training and organizational field trial permits.

The changes being proposed to Section 677 of Title 14 are intended to provide reasonable and clear regulations addressing these activities. In addition, the proposed revised language deletes the requirement for the permits, requires that the Department be notified before these activities occur, requires that game birds be marked before release (unless this is determined to be unnecessary in specific locations), and that the carcasses of pheasants and chukars used in dog training be marked with a seal obtained from the Department.

The following is a summary of the changes proposed for Section 677, Title 14, CCR:

- Clarify that it is not a violation to train or practice dogs, or hold field trials, if no game birds are released or taken.
- Provide that, for the purposes of this section, training a dog on wild or domestically reared game birds where no birds are killed or injured is not take, as defined by the Fish and Game Code, or by these regulations.
- Delete the requirement that permits be purchased to release and take game birds for dog training and field trials.
- Provide that bobwhite quail, coturnix quail, domestic pigeons, and domestically reared pheasants, chukars, Hungarian partridges, and captive-reared mallard ducks may be released and taken when engaged in dog training or organizational field trials, under the following stipulations:
 1. Each person taking game birds possess a hunting license and upland game bird stamp, if appropriate.
 2. Persons releasing and/or taking game birds in accordance with this section during organized field trials shall notify the Department at least three business days before these activities occur.

3. Domestically reared game birds may be taken only on the day they are released.
4. All domestically reared game birds shall be marked prior to release (unless the Regional Manager determines that this is unnecessary in a particular area), and carcasses of chukars and pheasants shall be marked with seals obtained from the Department.
5. The Department may inspect all birds prior to release, and no birds may be released if the Department determines that such releases may have significant potential to transmit diseases to wild bird populations.